

WSR 22-09-008

PERMANENT RULES

HORSE RACING COMMISSION

[Filed April 8, 2022, 11:44 a.m., effective May 9, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To clarify the penalty associated with a "stacking" violation.

Citation of Rules Affected by this Order: New WAC 260-70-640 Permitted medication.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 22-05-073 on February 15, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 8, 2022.

Douglas L. Moore  
Executive Secretary

OTS-2630.6

AMENDATORY SECTION (Amending WSR 18-07-015, filed 3/9/18, effective 4/9/18)

**WAC 260-70-640 Permitted medication.** Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication is a violation of these rules.

(1) The use of one of three approved nonsteroidal anti-inflammatory drugs (NSAIDs) is permitted under the following conditions:

(a) The drug may not exceed the following permitted serum or plasma threshold concentrations, which are consistent with administration by a single intravenous injection at least (~~twenty-four~~) 24 hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone - 2.0 micrograms per milliliter;
- (ii) Flunixin - (~~20~~) 20.0 nanograms per milliliter;
- (iii) Ketoprofen - (~~2~~) 2.0 nanograms per milliliter.

(b) No NSAID, including the approved NSAIDs listed in this rule (~~7~~) may be administered within the (~~twenty-four~~) 24 hours before post time for the race in which the horse is entered.

(c) The presence of a second approved NSAID will be considered a Class B violation if the second of the approved NSAIDs is over the secondary threshold as follows:

- (i) Phenylbutazone - 0.3 mcg per milliliter;
- (ii) Flunixin - 3 ng per milliliter;
- (iii) Ketoprofen - 1 ng per milliliter.

(d) Any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least (~~forty-eight~~) 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which a NSAID has been administered is subject to having a blood and/or urine sample(s) taken at the direction of an official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).

[Statutory Authority: RCW 67.16.020. WSR 18-07-015, § 260-70-640, filed 3/9/18, effective 4/9/18; WSR 16-09-015, § 260-70-640, filed 4/11/16, effective 5/12/16; WSR 12-07-005, § 260-70-640, filed 3/9/12, effective 4/9/12. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-09-044, § 260-70-640, filed 4/10/08, effective 5/11/08; WSR 07-07-036, § 260-70-640, filed 3/12/07, effective 4/12/07; WSR 06-09-009, § 260-70-640, filed 4/10/06, effective 5/11/06; WSR 05-07-067, § 260-70-640, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.040. WSR 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]